



Texas Public Policy Foundation

October 25, 2021

Submitted via FOIA Online

National Freedom of Information Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (2310A)
Washington, DC 20460
hq.foia@epa.gov

RE: Request for Certain Agency Records – EPA OIG Emails to or from Michal Ilana Freedhoff

Dear Freedom of Information Act Officer:

Life:Powered, a national initiative of the Texas Public Policy Foundation, submits this request pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.* Life:Powered seeks to inform the national discussion about energy and the environment and advocate for policies that promote economic freedom and advance the human condition.

Please provide us with the following records:

1. All records that are or include communications by or to Michal Ilana Freedhoff from January 20, 2017 through today that include the words “exclude,” or “not include,” or “not included” and “science” or “scientific” in the same sentence.
2. All records that are or include communications by or to Michal Ilana Freedhoff from January 20, 2017 through today that include the words “exclude,” or “not include,” or “not included” and “staff” in the same sentence.
3. All records that are or include communications by or to Michal Ilana Freedhoff from January 20, 2017 through today that include the words “disregard” and “science” in the same sentence.
4. All records that are or include communications by or to Michal Ilana Freedhoff from January 20, 2017 through today that include the words “disregard” and “staff” in the same sentence.
5. All records that are or include communications by or to the EPA’s Office of Inspector General and Michal Ilana Freedhoff from January 20, 2019 through today mentioning the

exclusion of EPA scientific or career staff from participation in rulemaking efforts during the Trump Administration.

6. All records that are or include communications by or to the EPA's Office of Inspector General and Michal Ilana Freedhoff from January 20, 2019 through today discussing or mentioning EPA officials ignoring or disregarding the views of EPA scientists during the Trump Administration.

For the purposes of this request, **"records"** means documents, information, memoranda, letters, reports, drafts, communications, records of communications, telephone message records, calendars, agendas, meeting sign-in sheets, presentations, handwritten or typed notes, facsimile transmissions, electronic mail, transcripts or recordings (audio or visual) of meetings, tapes, and all other types of records in the possession, control or custody of the Agency or contractors working for the Agency. Additionally, **"communications"** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

For all records responsive to these requests that are not produced based on an asserted exemption from disclosure, please prepare a privilege and/or exemption log describing at a minimum: (i) the type of record withheld, (ii) the date(s) of the creation of the record; (iii) the subject of the record, (iv) the identity of the author and all recipients of the records; and (v) a detailed description of the basis upon which the Agency is withholding the record (*e.g.*, the claim of privilege, FOIA exemption, etc.). To the extent any responsive documents are withheld based upon a claim of privilege or other exemption from disclosure, please produce redacted copies of all non-privileged or non-exempt factual material contained within such documents. 5 U.S.C. § 552(b).

Pursuant to FOIA and EPA regulations, the Agency has 20 days to fulfill this request. 5 U.S.C. § 552(a)(6)(A); 40 C.F.R. § 2.104. If it is not possible to provide all the records within 20 days, please provide the responsive records that are available as of the deadline.

As a non-profit, public interest research institute, TPPF requests a fee waiver under 5 U.S.C. § 552(a)(4)(A)(iii). TPPF is a non-profit, non-partisan research institute dedicated to promoting and defending liberty, personal responsibility, and free enterprise throughout Texas and the nation. For decades, TPPF has worked to advance these goals through research, policy advocacy, and impact litigation.

Since its inception in 1989, the Foundation has emphasized the importance of limited government, free market competition, private property rights, and freedom from regulation. In accordance with its central mission, the Foundation has hosted policy discussions, authored research, presented legislative testimony, and drafted model ordinances to reduce the burden of government on Texans. Historically, the Foundation has worked through its Life:Powered project to advocate for energy policies that promote economic freedom and advance the human condition.

The requested information is "likely to contribute significantly to public understanding of the operations or activities of the government." 40 C.F.R. § 2.107(l)(1). The requested information is not "primarily in [TPPF's] commercial interest," because as a non-profit, public interest research

institute we are not engaged in a commercial pursuit. *Id.* This request concerns the alleged exclusion or disregarding of EPA scientists and thus directly “concerns ‘the operation or activities of the government.’” *Id.* at § 2.107(l)(2)(i). The requested information is “‘likely to contribute’ to an increased public understanding of those operations or activities,” as the treatment of scientists and subject-matter experts significantly impacts the agency’s functions. *Id.* at § 2.107(l)(2)(ii). Part of Life:Powered’s core mission is to inform the national discussion about energy and the environment, so the disclosure will surely contribute to “the understanding of a . . . broad audience of persons interested in the subject.” *Id.* at § 2.107(l)(2)(iii). Finally, this is an area where the disclosure is “likely to contribute ‘significantly’ to public understanding.” *Id.* at § 2.107(l)(2)(iv). Should this request for a fee waiver be denied, we authorize \$250 to be expended for the reasonable costs associated with searching for and copying these records. However, should these costs exceed \$250 please contact me prior to proceeding.

It is worth noting that Life:Powered is submitting separate FOIA requests seeking records on different subject matters and focused on different offices within EPA. We submit these requests separately because of their unique focus, and not for the purpose of avoiding fees. *See id.* at § 2.107(i).

We look forward to your response to this matter. Should you have any questions, please contact me at jisaac@texaspolicy.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Isaac', with a stylized flourish at the end.

Hon. Jason Isaac
Director, Life:Powered
Texas Public Policy Foundation